

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Fox Sports Net Ohio, LLC,)
)
Petitioner,)
)
v.)
)
Massillon Cable TV, Inc.)
)
Respondent.)

ORDER

Adopted: August 2, 2007

Released: August 2, 2007

By the Chief, Media Bureau:

1. On May 4, 2007, Fox Sports Net Ohio, LLC ("FSN Ohio") filed a "Petition for De Novo Review of an Interim Order" ("Petition"), in which it asked the Commission for de novo review of an "Interim Order"¹ adopted in an arbitration proceeding concerning FSN Ohio and Massillon Cable TV, Inc. ("Massillon").² Concurrently, FSN Ohio also filed a Request for Stay asking the Commission to stay the arbitration proceeding pending the Commission's consideration of FSN Ohio's Petition.³ On June 8, 2007, FSN Ohio filed a letter with the Commission withdrawing its Petition and Request for Stay.⁴ Massillon did not oppose the withdrawal.

2. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority under Sections 0.61 and 0.283 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283, Fox Sport Net Ohio, LLC's withdrawal of its Petition for De Novo Review of Interim Arbitration Award of Fox Sports Net Ohio, LLC and its Request of Fox Sports Net of Ohio, LLC for Stay of Arbitration Pending De Novo Commission Review IS GRANTED.

3. IT IS FURTHER ORDERED that, pursuant to the authority under Section 4(i) of the

¹ Interim Order, American Arbitration Association Case No. 71 472 E 00656 06 (issued Apr. 26, 2007).

² Petition for De Novo Review of Interim Arbitration Award of Fox Sports Net Ohio, LLC (filed May 4, 2007) ("Petition"). Massillon opposed the Petition. *See* Massillon Cable TV, Inc.'s Motion to Dismiss and Opposition to Petition of Fox Sports Net Ohio, LLC for De Novo Review of Arbitrators Interim Order (filed May 17, 2007). On May 25, 2007, FSN-Ohio filed its reply.

³ Request of Fox Sports Net of Ohio, LLC for Stay of Arbitration Pending De Novo Commission Review (filed May 4, 2007) ("Request for Stay"). Massillon opposed the Request for Stay. *See* Opposition of Massillon Cable TV, Inc. to Request of Fox Sports Net Ohio, LLC for Stay of Arbitration Pending De Novo Commission Review (filed May 11, 2007).

⁴ Letter from William M. Wiltshire, Harris, Wiltshire & Grannis LLP, Counsel for FSN Ohio to Marlene H. Dortch, Secretary, FCC (dated June 8, 2007). FSN Ohio states that it plans to re-file its Petition once the arbitrator has issued a final award. *Id.* at 1. Therefore, we will dismiss the Petition without prejudice.

Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 0.61 and 0.283 of the Commission's rules, 47 C.F.R. §§ 0.41, 0.61, 0.283, Fox Sport Net Ohio, LLC's Petition for De Novo Review of Interim Arbitration Award of Fox Sports Net Ohio, LLC IS DISMISSED without prejudice.

4. IT IS FURTHER ORDERED that, pursuant to the authority under Sections 0.61 and 0.283 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283, the Request of Fox Sports Net of Ohio, LLC for Stay of Arbitration Pending De Novo Commission Review IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Monica Shah Desai
Chief, Media Bureau